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PACIFIC GAS AND ELECTRIC COMPANY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SACRAMENTO

PACIFIC GAS AND ELECTRIC  
COMPANY, a California Corporation,

No. 02CS01631

Petitioner and Plaintiff,

v.

**PEREMPTORY WRIT OF MANDATE FOR  
PETITIONER PACIFIC GAS AND ELECTRIC  
COMPANY**

THE CALIFORNIA DEPARTMENT OF  
WATER RESOURCES, and THOMAS  
M. HANNIGAN, in his official capacity  
as Director of the California Department  
of Water Resources,

Respondents, Real Parties in  
Interest and Defendants.

To Respondents California Department of Water Resources ("DWR") and Thomas M.  
Hannigan (collectively "Respondents"):

**WHEREAS**, Petitioner Pacific Gas and Electric Company ("PG&E") served and filed  
herein its verified petition for a writ of mandate on October 17, 2002, and a hearing before the

1 Honorable Gail D. Ohanesian in Department 11 of the Sacramento Superior Court was held herein  
2 on October 17, 2003;

3 WHEREAS, Petitioner has no other plain, speedy, and adequate remedy in the ordinary  
4 course of law;

5 WHEREAS, Respondents have abused their discretion by failing to comply with DWR's  
6 own regulations (Cal. Code Regs., tit. 23, section 510 *et seq.*), in connection with DWR's "just and  
7 reasonable" determination of August 16, 2002 (the "August 16, 2002 Just and Reasonable  
8 Determination");

9 THEREFORE, this matter is remanded to Respondent DWR, and DWR is commanded:

10 (a) to set aside the August 16, 2002 Just and Reasonable Determination;

11 (b) to reconsider the August 16, 2002 Just and Reasonable Determination in accordance  
12 with this Court's December 26, 2003, Ruling on Submitted Matter (Petition for Writ of Mandate);  
13 and

14 (c) to conduct further proceedings in accordance with its own regulations.



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Clerk

By: C. Lee

Deputy Clerk